

### **Division 3. Air Resources Board**

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#### **Chapter 1. Air Resources Board**

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#### **Subchapter 2. Smoke Management Guidelines for Agricultural and Prescribed Burning**

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##### **Article 1. General Provisions**

###### **§ 80100. Definitions.**

The Smoke Management Guidelines for Agricultural and Prescribed Burning, henceforward referred to as Guidelines, are to provide direction to air pollution control and air quality management districts (air districts) in the regulation and control of agricultural burning, including prescribed burning, in California. The Guidelines are intended to provide for the continuation of agricultural burning, including prescribed burning, as a resource management tool, and provide increased opportunities for prescribed burning and agricultural burning, while minimizing smoke impacts on the public. The regulatory actions called for are intended to assure that each air district has a program that meets air district and regional needs.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 39011, 39053, 41850, 41856, 41857, 41859 and 41863, Health and Safety Code.

###### **REFERENCE**

###### **§ 80101. Definitions.**

(a) "Agricultural burning" is defined in Health and Safety Code section 39011 as follows:

(1) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

(2) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in paragraph (1).

(3) "Agricultural burning" also means open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.

(b) "Air Pollution Control District" (APCD), "Air Quality Management District" (AQMD), "air district," or "district" means an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of Health and Safety Code section 40000 et seq.

(c) "Air quality" means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.

(d) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(e) "ARB" or "state board" means the Air Resources Board.

(f) "Basinwide air quality factor" means an air quality factor which equals the 4:00 am to 6:00 am two hour average soiling index (COH\*10) ending at 6:00 am PST. The basinwide council may use other particulate matter measurements as an indicator of air quality if appropriate for its program.

(g) "Burn plan" means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription

(including smoke management components), and a description of the personnel, organization, and equipment.

(h) "Burn project" means an active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.

(i) "Class I Area" means a mandatory visibility protection area designated pursuant to section 169A of the federal Clean Air Act.

(j) "Designated agency" means any agency designated by the Air Resources Board as having authority to issue agricultural burning, including prescribed burning, permits. An air district may request such a designation for an agency. The U.S. Department of Agriculture (USDA) Forest Service and the California Department of Forestry and Fire Protection (CDF) are so designated within their respective areas of jurisdiction.

(k) "Fire protection agency" means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.

(l) "Forty-eight hour forecast" means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 48 hours from the day of the prediction. The prediction shall indicate a degree of confidence.

(m) "Land manager" means any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.

(n) "Marginal burn day" means a day when limited amounts of agricultural burning, including prescribed burning, for individual projects in specific areas for limited times is not prohibited by the state board and burning is authorized by the district consistent with these Guidelines.

(o) "National Ambient Air Quality Standards (NAAQS)" mean standards promulgated by the United States Environmental Protection Agency that specify the maximum acceptable concentrations of pollutants in the ambient air to protect public health with an adequate margin of safety, and to protect public welfare from any known or anticipated adverse effects of such pollutants (e.g., visibility impairment, soiling, harm to wildlife or vegetation, materials damage, etc.) in the ambient air.

(p) "Ninety-six hour trend" means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 96 hours from the day of the prediction.

(q) "No-burn day" means any day on which agricultural burning, including prescribed burning, is prohibited by the state board or the air district in which the burning will occur.

(r) "Open burning in agricultural operations in the growing of crops or raising of fowl or animals" means:

(1) The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution.

(2) In connection with operations qualifying under paragraph (1):

(A) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation.

(B) The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.

(s) "Particulate matter (PM)" means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).

"PM<sub>2.5</sub>" means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

"PM<sub>10</sub>" means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM<sub>2.5</sub>).

(t) "Permissive-burn day," or "burn day" means any day on which agricultural burning, including prescribed burning, is not prohibited by the state board and burning is authorized by the district consistent with these Guidelines.

(u) "Pre-fire fuel treatment" means techniques which can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.

(v) "Prescribed burning" - see (a) (3). Tule burning in wildlands or wildland/urban interface is considered to be prescribed burning.

(w) “Prescribed fire” means any fire ignited by management actions to meet specific objectives, and includes naturally-ignited wildland fires managed for resource benefits.

(x) “Range improvement burning” means the use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

(y) “Region” means two or more air districts within an air basin or adjoining air basins that sign a memorandum of understanding to implement a coordinated regional smoke management program pursuant to the requirements of Article 2 of this regulation.

(z) “Residential burning” means an open outdoor fire for the disposal of the combustible or flammable solid waste of a single-or two-family dwelling on its premises. Residential burning is not considered to be prescribed burning.

(aa) “Seventy-two hour outlook” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 72 hours from the day of the prediction.

(bb) “Smoke Management Plan” means a document prepared for each fire by land managers or fire managers that provides the information and procedures required in section 80160.

(cc) “Smoke management prescription” means measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to, minimizing smoke impacts, and safety, economic, public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code section 41700, public nuisance statute.

(dd) “Smoke Management Program” means the program defined in these Guidelines.

(ee) “Smoke sensitive areas” are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

(ff) “State ambient air quality standards” means specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects, as established by the state board pursuant to Health and Safety Code section 39606.

(gg) “Wildfire” means an unwanted wildland fire.

(hh) “Wildland” means an area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in 10 years), is not fallow, and is not in the United States Department of Agriculture (USDA) Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover.

For CDF only, “Wildland” as specified in California Public Resources Code (PRC) section 4464(a) means any land that is classified as a state responsibility area pursuant to article 3 (commencing with section 4125) of chapter 1, part 2 of division 4 and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage. “Wildland” also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area.

(ii) “Wildland fire” means any non-structural fire, other than prescribed fire, that occurs in the wildland.

For CDF only, “wildland fire” as specified in PRC section 4464(c) means any uncontrolled fire burning on wildland.

(jj) “Wildland/urban interface” means the line, area, or zone where structures and other human development meet or intermingle with the wildland.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 39011, 39025, 39053, 41853, 41854, 41855, 41856, 41857, 41858, 41859, 41861, 41862 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80102. Scope and Applicability.**

(a) These Guidelines apply to the Air Resources Board and all air districts in California, and regulate agricultural burning, including prescribed burning. These Guidelines are intended to provide flexibility to districts in the development and implementation of their smoke management programs. Such programs

shall be developed in consultation with the ARB and focus on minimizing any significant impacts that agricultural or prescribed burning may have on air quality or public health. These Guidelines are also intended to assure adequate state oversight, including initial program approval and periodic program assessment.

(b) Although any local or regional authority may establish stricter standards for the control and the regulation of agricultural burning, including prescribed burning, than those set forth in these Guidelines, no local or regional authority may ban agricultural or prescribed burning.

(c) These Guidelines are not intended to permit open burning on days when such burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41856, 41857, 41858 and 41859, Health and Safety Code.

#### REFERENCE

### **§ 80110. Permissive-Burn, Marginal Burn, or No-Burn Days.**

(a) The ARB shall specify each day of the year as a permissive burn day, or a no-burn day for each air basin or other specified area.

(b) The ARB shall announce by 3:00 p.m. every day for each of the state's air basins or other specified areas whether the following day is a permissive burn day or a no-burn day, or whether the decision will be announced the following day. If conditions preclude a forecast until the next day, the decision shall be announced by 7:45 a.m. Such notices shall be based on the Meteorological Criteria for Regulating Agricultural Burning and Prescribed Burning, set forth in sections 80179 through 80330 of these Guidelines.

(c) The ARB may declare a marginal burn day if meteorological conditions approach the criteria contained in sections 80179 through 80311 for permissive burn days, and smoke impacts are not expected. A marginal burn day allows a district to authorize limited amounts of burning for individual projects in an air basin or other specified area if the air district demonstrates that smoke impacts to smoke sensitive areas are not expected as a result of that burning. The ARB shall announce by 3:00 p.m. every day for each of the state's air basins or other specified areas whether the following day is a marginal burn day, or whether the decision will be announced the following day. If conditions preclude a forecast until the next day, the decision shall be announced by 7:45 a.m.

(d) Agricultural burning, including prescribed burning, is prohibited on no-burn days, except as specified in section 80120(e), section 80145(n), and section 80160(h).

(e) A district and the ARB may develop mutually agreeable procedures to allow a district to demonstrate that a given day is a marginal burn day or a burn day through its own analysis of the expected meteorological conditions in the air basin and a comparison to the meteorological criteria in Article 3.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41855, 41856, 41857, 41858, 41861 and 41862, Health and Safety Code.

#### REFERENCE

### **§ 80120. Burning Permits.**

(a) No person shall knowingly set or allow agricultural or prescribed burning unless he or she has a valid permit from a district or designated agency. No burning shall be conducted pursuant to such permit without specific district approval consistent with these Guidelines. Burning conducted pursuant to each permit must comply with all conditions specified on the permit. A violation of this subsection is a violation of section 41852 of the California Health and Safety Code.

(b) The form of burning permits shall be prepared by the air districts in consultation with the designated agencies.

(c) The form of the permit shall contain the following words or words of similar import: "This permit is valid only on those days during which agricultural burning, including prescribed burning, is not prohibited by the State Air Resources Board or by an air district pursuant to section 41855 of the Health and Safety Code, and when burning on the lands identified herein has been approved by the air district."

(d) Each air district shall provide the designated agencies within the district with a copy of these Guidelines, related information on state laws, air district rules and regulations, and other information as appropriate.

(e) An air district may, by special permit, authorize agricultural burning, including prescribed burning, on days designated by the ARB as no-burn days if the denial of such permit would threaten imminent and

substantial economic loss. In authorizing such burning, a district shall limit the amount of material which can be burned in any one day and only authorize burning which is not likely to cause or contribute to exceedences of air quality standards or result in smoke impacts to smoke sensitive areas.

(f) Permits issued by designated agencies shall be subject to these Guidelines and to the rules and regulations of the district. Designated agencies shall submit to the air districts information as specified by the air district.

(g) Each applicant for a permit shall provide information required by the designated agency for fire protection purposes.

(h) Each applicant for a permit shall provide information requested by the district.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41852, 41853, 41854, 41855, 41856, 41857, 41858, 41859, 41861, 41862 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80130. Burning Report.**

(a) A report of agricultural burning, including prescribed burning, conducted pursuant to these Guidelines during each calendar year shall be submitted to the ARB by each air district within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each waste type burned from open burning in agricultural operations and the estimated tonnage of waste from prescribed burning, and the county where the burning was performed.

(b) A report of special permits issued pursuant to subsection (e) of section 80120 during each calendar year shall be submitted to the ARB by each air district within 45 days of the end of the calendar year. The report shall include the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, an estimate of the amount of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

(c) The ARB Executive Officer may, on a district-by-district basis, alter the frequency or contents of the reports required pursuant to subsections (a) and (b) of this section, based on information needed to conduct or evaluate smoke management programs. The Executive Officer shall provide a justification and reasonable schedule for implementing any revisions.

NOTE: Authority cited: Sections 39515, 39516, 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 39515, 39516, 41852, 41853, 41854, 41856, 41857, 41858, 41859 and 41862, Health and Safety

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 2. Smoke Management Guidelines for Agricultural and Prescribed Burning**

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### **Article 2. District Smoke Management Plan**

### **§ 80140. General.**

(a) Each air district shall adopt, implement and enforce a smoke management program consistent with these Guidelines. Each air district or region shall develop its smoke management program in coordination with the ARB, the appropriate fire protection agencies, the land managers having jurisdiction within the district, any other affected parties, and the public.

(b) Two or more districts choosing to implement a regional smoke management program shall meet the following additional requirements:

(1) Execute a signed memorandum of understanding with participating districts that sets forth procedures for the coordination, implementation, and enforcement of shared responsibilities to comply with state smoke management program requirements.

(2) Describe the regional smoke management program requirements, including the following elements, in the memorandum of understanding: a list of district and region boundaries; participating federal and/or state land managers, and other local entities within the region; the decision-making structure of the regional smoke management program; and the joint workplan for implementing the regional smoke management program.

(3) The regional smoke management program will include compliance provisions for each participating air district.

(4) Each participating air district shall implement its responsibilities under the smoke management program in coordination with other regional air districts/burn entities.

(c) The smoke management program of the Sacramento Valley is designated as a regional smoke management program.

(d) Districts shall adopt the elements of their smoke management program according to the following schedule:

(1) Upon the effective date of this regulation, all air districts shall implement the prescribed burning elements of their programs, including the provisions of section 80160, unless exempted pursuant to section 80170.

(2) By July 1, 2001, all air districts shall adopt smoke management programs that meet all applicable requirements of this regulation.

(3) The ARB may extend the scheduled dates by up to six months if an air district demonstrates that, for good cause, additional time is needed.

(e) The ARB shall either approve or indicate its intent to disapprove any program, portion of a program, or amendment of a program within 120 days after submittal.

(f) Prior to disapproval, the ARB Executive Officer shall confer with the air district regarding the reasons for the proposed disapproval. Following such conference, a decision to approve or disapprove the program, portion of a program, or amendment of a program shall be made by the ARB Executive Officer.

(g) The air district may appeal the decision to the ARB. At the request of an air district or, in the case of a regional program, the districts in that region, the Air Resources Board itself, and not the ARB executive officer, shall hold a public hearing on the matter in the district or region affected.

(h) If a program is disapproved, the ARB shall return the program to the air district(s) for amendment. The air district(s) shall amend the program to address ARB concerns within 180 days.

(i) If the program or amendment of such program is disapproved, or if a program or amendment is not submitted by the specified date, the ARB, after a public hearing in the basin affected, shall adopt an alternative program.

(j) The program approved pursuant to subsection (e) or adopted pursuant to subsection (i) shall be enforced by the air district(s).

(k) After an air district smoke management program is approved by the ARB, amendments to the program shall be submitted to the ARB for approval, and shall not be effective until approved. Each program or amendment shall be submitted to the ARB for approval within 30 days after adoption by the district.

(l) After an air district smoke management program is approved by the ARB and the ARB finds that changes are necessary, the ARB shall discuss the findings with the air district and, in consultation with the district, establish an appropriate schedule for revising the smoke management program.

NOTE: Authority cited: Sections 39515, 39516, 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 39515, 39516, 41856, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80145. Program Elements and Requirements.**

The district smoke management programs shall include all of the elements in section 80145. Procedures and other requirements contained in subsections 80145(a) through (n) of this section shall be approved by district board resolutions or adopted as rules and regulations:

(a) A daily burn authorization system that regulates agricultural burning, including prescribed burning, in order to minimize smoke impacts on smoke sensitive areas, avoid cumulative smoke impacts, and prevent public nuisance. The burn authorization system shall not allow more burning on a daily basis than is appropriate for the meteorological or air quality conditions. The daily burn authorization system shall specify the amount, timing and location of each burn event. The burn authorization system shall be

developed by the air district in consultation with the ARB, shall be commensurate with the air quality impacts from burning, and shall consider the following factors as necessary:

- (1) air quality;
- (2) meteorological conditions expected during burning, including wind speeds and directions at the surface and aloft, and atmospheric stability;
- (3) types and amounts of materials to be burned;
- (4) location and timing of materials to be burned;
- (5) locations of smoke sensitive areas; and
- (6) smoke from all burning activities, including burning in neighboring air districts or regions which may affect the district or region.

(b) If requested in writing by a district, the Executive Officer may approve an alternative burn authorization system for agricultural burning (excluding prescribed burning), provided the Executive Officer determines that the alternative system is likely to achieve the objectives of the daily burn authorization system. In making such determination, the Executive Officer shall consider the rules and regulations of the district relating to agricultural burning, historical data on the amount, types, location, and impacts of agricultural burning in the district (excluding prescribed burning), and the effectiveness of the smoke management program in place in the district, and other documentation provided by the district. The decision, along with the reasons for the decision, shall be in writing.

(c) A description of the meteorological and air quality monitoring data to be used to provide data for determining the basinwide meteorological and air quality conditions.

(d) A description of the personnel resources for meteorological support and burn coordination that will be used to operate the burn program.

(e) Procedures for issuing notice of permissive-burn, marginal burn or no-burn days. Air districts shall coordinate these procedures with fire protection agencies. A no-burn day notice shall be issued for agricultural burning, including prescribed burning, by the air district when open burning is prohibited by fire protection agencies for fire control or prevention.

(f) Procedures for issuing 48-hour forecasts, 72-hour outlooks, and 96-hour trends for specific prescribed burns. The air district may request that the ARB provide these forecasts for specific prescribed burns.

(g) Procedures for authorizing burning, including a procedure for authorizing individual prescribed burns 24 hours prior to ignition of the fire, recognizing that any burn decision made 24 hours in advance is always subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated.

(h) Procedures for acquiring information on amounts of material burned on each day, on planned and unplanned wildland fires, and other information needed to establish the burn authorization for the following day, as specified in subsection (a).

(i) Procedures for addressing cross-jurisdictional smoke impacts by coordinating with neighboring air districts, regions, or states.

(j) The form of permit(s) required by subsection (c) of section 80120 and the form of the information required by subsection (f) of section 80120.

(k) Procedures for enforcement.

(l) Plans to provide for an analysis and periodic assessment of actions that are undertaken to minimize smoke through the use of pre-fire fuel treatment practices and non-burn alternatives.

(m) If necessary, procedures for prioritizing agricultural burning, including prescribed burning, that districts can use to minimize smoke impacts. In considering priorities, districts shall consider the public benefits of burn projects, including safety, public health, forest health and wildfire prevention, ecological needs, economic concerns, and disease and pest prevention. Efforts to reduce smoke emissions, such as removal of excess material, shall also be considered.

(n) As applicable, each district shall consider additional provisions with respect to permitting, on no-burn days, the burning of empty sacks or containers which contained pesticides or other toxic substances, providing the sacks or containers are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowl or animals," as specified in section 80101(r);

(o) Rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

(1) Require the material to be burned to be free of material that is not produced on the property or in an agricultural or prescribed burning operation. Material not to be burned includes, but is not limited to, tires, rubbish, plastic, treated wood, construction/demolition debris, or material containing asbestos.

- (2) Require the material to be arranged so that it will burn with a minimum of smoke, when feasible.
- (3) Require material to be reasonably free of dirt, soil and visible surface moisture.
- (4) Require the material to be dried for minimum periods with separate specifications for the following: (A) trees and large branches, (B) prunings and small branches, (C) wastes from field crops that are cut in a green condition, and (D) other materials.
- (5) Regulate hours of ignition and burning.
- (6) Limit the ignition of fires to approved ignition devices.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 40702, 41850, 41854, 41856, 41857, 41858, 41859, 41862 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80150. Special Requirements for Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals.**

(a) The district smoke management program shall include rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

(1) Require rice, barley, oat, and wheat straw to be ignited only by stripfiring into the wind or by backfiring, except under a special permit of the district issued when and where extreme fire hazards are declared by a public fire protection agency to exist, or where crops are determined by the district not to lend themselves to these techniques.

(2) Require burning hours to be set so that no field crop burning shall commence before 10:00 a.m. or after 5:00 p.m. of any day, unless local conditions indicate that other hours are appropriate.

(b) A district with no agricultural operations in the growing of crops or raising of fowl or animals within its jurisdiction may request to be exempted from the requirements of this section.

(c) Rice Straw Burning Requirements. Districts within the boundaries of the Sacramento Valley Air Basin and the San Joaquin Valley Air Basin shall also include in the program rules and regulations that:

(1) Require all rice harvesting to employ a mechanical straw spreader to ensure even distribution of the straw, except that rice straw may be left in rows, provided it meets drying time criterion prior to a burn as described in paragraph (2) below. Rice straw may also be left standing provided it is dried and meets the crackle test criteria described below prior to burning.

(2) Require that after harvest no spread rice straw shall be burned prior to a three-day drying period, and no rowed rice straw shall be burned prior to a ten-day drying period, unless the rice straw makes an audible crackle when tested just prior to burning with the following testing method: When checking the field for moisture, a composite sample of straw from under the mat, in the center of the mat, and from different areas of the field shall be taken to ensure a representative sample. A handful of straw from each area will give a good indication. Rice straw is dry enough to burn if a handful of straw selected as described above crackles when it is bent sharply.

(3) Require that after a rain exceeding 0.15 inch (fifteen hundredths of an inch), rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in paragraph (2), above.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 40702, 41850, 41856, 41857, 41858, 41859, 41863 and 41865, Health and Safety Code.

#### REFERENCE

### **§ 80155. Sacramento Valley Basinwide Program.**

The Sacramento Valley Basinwide Air Pollution Control Council (Basinwide Council) shall submit a smoke management program to the ARB for review and approval. The smoke management program shall apply to all areas of the Sacramento Valley Air Basin. In addition to all other applicable requirements, it shall contain:

(a) A daily basinwide acreage equation establishing a theoretical maximum daily allocation which includes a basinwide meteorological factor (B.M.F.--determined from Tables 4 and 5 of section 80320) and a basinwide air quality factor.

(b) Procedures for refining the theoretical maximum allocation in order to establish an initial actual allocation, including consultation between the ARB duty meteorologist and the basin coordinator and considering additional real-time air quality and meteorological information.



(c) Procedures for distributing acreage allocations to each air district. The total acreage distributed shall not exceed the initial actual allocation determined by the ARB in consultation with the basin coordinator. The program may specify procedures to update the initial actual allocation, based on real-time meteorological information and the progress of burning the initial actual allocation.

(d) The hours to be permitted for burning.

(e) A description of the meteorological and air quality monitoring networks to be used to provide data for determining the basinwide meteorological and air quality factors.

(f) Other clarifying details mutually agreed upon by the Basinwide Council and the ARB.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41856, 41857, 41858, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80160. Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas.**

The district smoke management programs shall include rules and regulations or, until April 1, 2003, other enforceable mechanisms that:

(a) Require registration of all planned burn projects annually or seasonally, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

(b) Require the submittal of smoke management plans for all burn projects greater than 10 acres in size or estimated to produce more than 1 ton of particulate matter. Smoke management plans must contain, at a minimum, the following information:

- (1) Location, types, and amounts of material to be burned;
- (2) Expected duration of the fire from ignition to extinction;
- (3) Identification of responsible personnel, including telephone contacts; and
- (4) Identification and location of all smoke sensitive areas.

(c) Require that smoke management plans for burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the information contained in subsection (b) and the following additional information:

- (1) Identification of meteorological conditions necessary for burning.
- (2) The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions.
- (3) Projections, including a map, of where the smoke from burns are expected to travel, both day and night.
- (4) Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan.
- (5) An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA), as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement.

(6) Discussion of public notification procedures.

(d) If smoke may impact smoke sensitive areas, require smoke management plans to include appropriate monitoring, which may include visual monitoring, ambient particulate matter monitoring or other monitoring approved by the district, as required by the district for the following burn projects:

- (1) projects greater than 250 acres;
- (2) projects that will continue burning or producing smoke overnight;
- (3) projects conducted near smoke sensitive areas; or
- (4) as otherwise required by the district.

(e) Require, as appropriate, daily coordination between the land manager or his/her designee and the air district or the ARB for multi-day burns which may impact smoke sensitive areas, to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary.

(f) Alternate thresholds to those specified in sections (b), (c), and (d) may be specified by a district consistent with the intent of this section.

(g) Require district review and approval of smoke management plans. Districts shall provide notice to the ARB of large or multi-day burns as specified in (d) or (e) and consult with the ARB on procedures for ARB review and approval of large or multi-day burns as specified in (d) and (e).

(h) Require that when a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless:

(1) After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or

(2) For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB.

(3) After 24 hours, the district has been contacted, or if the district is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

(i) Require submittal of smoke management plans within 72 hours of the start of the fire for naturally-ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size.

(j) Require the land manager or his/her designee conducting a prescribed burn to ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.

(k) Require a post-burn smoke management evaluation by the burner for fires greater than 250 acres.

(l) Require procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints.

(m) Require vegetation to be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.

(n) Require material to be burned to be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise.

(o) Require piled material to be burned to be prepared so that it will burn with a minimum of smoke.

(p) Require the permit applicant to file with the district a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41850, 41853, 41854, 41855, 41856, 41857, 41858, 41859, 41861, 41862 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80170. Exemptions.**

A district with no prescribed burning in wildlands or urban interfaces within its jurisdiction may request to be exempted from the requirements of section 80160. A district may exclude specific range improvement burns for livestock habitat or the initial establishment of an agricultural practice on previously uncultivated land from the provisions of section 80160 of these Guidelines provided the air district determines that smoke impacts are not expected in smoke sensitive areas.

NOTE: Authority cited: Sections 39600, 39601, 41852.5, 41856 and 41859, Health and Safety Code. Reference: Sections 41850, 41852.5, 41856, 41857, 41858, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80175. Wildland Vegetation Management Burning.**

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41856, 41857, 41858, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### **Division 3. Air Resources Board**

#### **Chapter 1. Air Resources Board**

##### **Subchapter 2. Smoke Management Guidelines for Agricultural and Prescribed Burning**

##### **Article 3. Meteorological Criteria for Regulating Agricultural Burning**

###### **§ 80179. General.**

The ARB may use, on a test basis in cooperation with the air basin affected, for three years for developing new criteria, alternate criteria to those specified in this article to establish burn days, no-burn days, and marginal burn days.

NOTE: Authority cited: Sections 39600, 39601, 41855, 41856 and 41859, Health and Safety Code. Reference: Sections 40702, 41850, 41855, 41856, 41857, 41858, 41859 and 41863, Health and Safety Code.

###### **REFERENCE**

###### **§ 80180. North Coast Air Basin.**

(a) Above 3,000 feet mean sea level\* (msl), a permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 millibar (mb) height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

(b) Below 3,000 feet msl\*, a permissive-burn day will be declared when at least 3 of the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 10 degrees Fahrenheit, except that during July through November it is not warmer by more than 18 degrees Fahrenheit.

(2) The expected daytime temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.

(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

(4) The expected daytime wind direction in the mixing layer has a component from the east and a speed of 12 miles per hour or less.

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\* In place of the standard 3,000 feet msl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

###### **REFERENCE**

###### **§ 80190. San Francisco Bay Area Air Basin.**

(a) The North Section of this basin includes Marin and Napa Counties, the San Francisco Bay Area Air Basin portions of Sonoma and Solano Counties, and that portion of Contra Costa County lying north and east of a line beginning at the intersection of Vasco Road and the Alameda County line; then north along the eastern side of Vasco Road to the intersection of Camino Diablo Road and Walnut Boulevard; then continuing north along the eastern side of Walnut Boulevard to the intersection of Marsh Creek Road; then west along the northern side of Marsh Creek Road to the intersection of Deer Valley Road; then north along the eastern side of Deer Valley Road to intersection of Lone Tree Way; then west and north along the eastern side of Lone Tree Way until it becomes "A" Street; then continuing north along the eastern side of "A" Street and its northern extension to the Sacramento County line.

(b) A permissive-burn day will be declared in the North Section when the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 2,500 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit except that during May through September it is not warmer by more than 18 degrees Fahrenheit.

(2) The expected daytime temperature at 2,500 feet above the surface is colder than the expected surface temperature by at least 10 degrees Fahrenheit for 4 hours.

(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

(c) The South Section of this basin includes San Francisco, San Mateo, Santa Clara and Alameda Counties, and that portion of Contra Costa County lying south and west of a line beginning at the intersection of Vasco Road and the Alameda County line; then north along the eastern side of Vasco Road to the intersection of Camino Diablo Road and Walnut Boulevard; then continuing north along the eastern side of Walnut Boulevard to the intersection of Marsh Creek Road; then west along the northern side of Marsh Creek Road to the intersection of Deer Valley Road; then north along the eastern side of Deer Valley Road to the intersection of Lone Tree Way; then west and north along the eastern side of Lone Tree Way until it becomes "A" Street; then continuing north along the eastern side of "A" Street and its northern extension to the Sacramento County Line.

(d) A permissive-burn day will be declared in the South Section when the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 2,500 feet above the surface is not warmer than the surface temperature by more than 11 degrees Fahrenheit except that during May through September it is not warmer by more than 16 degrees Fahrenheit.

(2) The expected daytime temperature at 2,500 feet above the surface is colder than the expected surface temperature by at least 10 degrees Fahrenheit for 4 hours.

(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80200. North Central Coast Air Basin.**

(a) Above 3,000 feet msl \*, a permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 mb (mb is millibar (mb) height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(b) Below 3,000 feet msl \* in the Northwest Section of this Basin (including Santa Cruz County and that portion of San Benito and Monterey Counties north and west of a line beginning at the intersection of Highway 156 and the Santa Clara/San Benito Counties line; then continuing southerly along Highway 156 to the intersection of Fairview Road; then southerly along Fairview Road to the intersection of Highway 25; then southwesterly to Fremont Peak; then southeasterly along the crest of the Gabilan Range to McPhails Peak; then southwesterly through the middle of Chualar Canyon into the Salinas Valley, along Chualar Canyon Road, and continuing to Mt. Toro; then southeasterly along the crest of the Sierra de Salinas to Arroyo Seco Road; then west southwesterly along Arroyo Seco Road to Arroyo Center; from there westerly to Pfeiffer Point on the Pacific Ocean), a permissive-burn day will be declared when the following criteria are met:

(1) The maximum mixing depth is expected to be at least 1,500 feet msl.

(2) The expected daytime resultant wind speed in the mixing layer is at least five miles per hour.

(c) Below 3,000 feet msl \* in the Southeast Section of this Basin (including that portion of San Benito and Monterey Counties south and east of a line beginning at the intersection of Highway 156 and the Santa Clara/San Benito Counties line; then continuing southerly along Highway 156 to the intersection of Fairview Road; then southerly along Fairview Road to the intersection of Highway 25; then southwesterly to Fremont Peak; then southeasterly along the crest of the Gabilan Range to McPhails Peak; then southwesterly through the middle of Chualar Canyon into the Salinas Valley, along Chualar Canyon Road, and continuing to Mt. Toro; then southeasterly along the crest of the Sierra de Salinas to Arroyo Seco Road; then west southwesterly along Arroyo Seco Road to Arroyo Center; from there westerly to Pfeiffer Point on the Pacific Ocean), a permissive-burn day will be declared when the following criteria are met:

- (1) The maximum mixing depth is expected to be at least 1,500 feet msl.
- (2) The expected daytime resultant wind speed in the mixing layer is at least five miles per hour.

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\* In place of the standard 3,000 feetmsl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### § 80210. South Central Coast Air Basin.

(a) Above 3,000 feet mean sea level\* (msl), a permissive-burn day will be declared when both of the following criteria are met:

(1) Near 4:00 a.m., the mean 500 millibar (mb) height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(b) Below 3,000 feet msl\* in Ventura County and that portion of Santa Barbara County south of a line described as follows: Beginning at the Pacific Ocean outfall of Jalama Creek and running east and north along Ja-lama Creek to a point of intersection with the west boundary of the San Julian Land Grant; then south along the San Julian Land Grant boundary to its southwest corner; then east along the south boundary of the San Julian Land Grant to the northeast corner of partial Section 20, T. 5 N, R. 32 W, San Bernardino Base and Meridian; then south and east along the boundary of the Las Cruces Land Grant to the southwest corner of partial Section 22, T. 5 N, R. 32 W; then northeast along the Las Cruces Land Grant boundary; then east along the north boundaries of Section 13, T. 5 N, R. 32 W, and Sections 18, 17, 16, 15, 14, 13, T. 5 N, R. 31 W, and Sections 18, 17, 16, 15, 14, 13, T. 5 N, R. 30 W, and Sections 18, 17, 16, 15, T. 5 N, R. 29 W; then south along the east boundary of Section 15, T. 5 N, R. 29 W; then east along the north boundaries of Sections 23 and 24, T. 5 N, R. 29 W, and Sections 19, 20, 21, 22, 23, 24, T. 5 N, R. 28 W, and Sections 19 and 20, T. 5 N, R. 27 W; then south along the east boundary of Section 20, T. 5 N, R. 27 W; then east along the north boundaries of Sections 28, 27, 26, 25, T. 5 N, R. 27 W and Section 30, T. 5 N, R. 26 W; then south along the east boundary of Section 30, T. 5 N, R. 26 W; then east along the north boundaries of Sections 32, 33, 34, 35, T. 5 N, R. 26 W; then south along the east boundary of Section 35, T. 5 N, R. 26 W to the township line common to T. 4 N and T. 5 N; then east along this township line to the Santa Barbara-Ventura County boundary; a permissive burn day will be declared when both of the following criteria are met:

(1) The maximum mixing depth is expected to be at least 1,500 feet msl.

(2) The expected afternoon onshore airflow is expected to be at least five miles per hour.

(c) Below 3,000 feet msl\* in San Luis Obispo County and that portion of Santa Barbara County north of the line described in (b) above, a permissive burn day will be declared when both of the following criteria are met:

(1) The maximum mixing depth is expected to be at least 1,500 feet msl.

(2) The expected afternoon onshore airflow is expected to be at least five miles per hour.

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\* In place of the standard 3,000 feetmsl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41850, 41854, 41855, 41856, 41857, 41858, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### § 80220. South Coast Air Basin.

(a) A permissive-burn day will be declared when at least one of the following criteria is met:

(1) The expected height of the inversion base, if any, near 6:00 a.m. at Los Angeles International Airport is 1,500 feet msl or higher.

(2) The expected maximum mixing height during the day is above 3,500 feet above the surface.

(3) The expected mean surface wind between 6:00 a.m. and noon is greater than five miles per hour.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### REFERENCE

#### **§ 80230. San Diego Air Basin.**

Except that portion which lies east of a line beginning at the U.S.-Mexico border and running north along the range line common to R. 7 E and R. 6 E, San Bernardino Base and Meridian; to the southeast corner of T. 16 S, and R. 6 E; then west along the township line common to T. 16 S and T. 17 S to the southwest corner of T. 16 S, R. 6 E; then north along the range line common to R. 6 E and R. 5 E to the southeast corner of T. 14 S, R. 5 E; then west along the township line common to T. 14 S and T. 15 S to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the eastern most corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the township line common to T. 10 S and T. 9 S; then west along this township line to the point of intersection with the range line common to R. 4 E and R. 3 E; then north along this range line to the San Diego-Riverside County boundary. Criteria for this portion are those of the Salton Sea Air Basin.

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Above 3,000 feet msl \*:

(A) Near 4:00 a.m., the inversion top is less than 3,000 feet msl or the temperature difference through the inversion is less than seven degrees Fahrenheit.

(B) The expected daytime resultant wind speed between 3,000 and 6,000 feet msl is at least 5 miles per hour.

(2) Below 3,000 feet msl \*:

(A) The maximum mixing depth is expected to be at least 1,500 feet msl.

(B) The expected daytime resultant wind direction in the marine layer has a westerly component.

(C) The expected daytime resultant wind speed in the marine layer is at least five miles per hour.

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\* In place of the standard 3,000 feet msl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### **REFERENCE**

#### **§ 80240. Northeast Plateau Air Basin.**

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### **REFERENCE**

#### **§ 80250. Sacramento Valley Air Basin.**

(a) Above 3,000 feet msl\*, a permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

(b) Below 3,000 feet msl\*, a permissive-burn day will be declared when the daily basinwide acreage allocation is greater than zero acreage. This allocation shall be determined daily by the state board and will vary with the existing and projected meteorology and air quality. The basinwide allocation shall be calculated from the basinwide acreage allocation equation contained in the approved approved Smoke Management Program required in section 80155.

(c) Special situations in the Basin are:

(1) If, when a no-burn day decision is declared, the state ambient air quality standard for ozone, carbon monoxide, suspended particulate matter (PM10), or visibility is expected to be exceeded during the valid period, a note to this effect shall be appended to the announcement.

(2) A permissive-burn or no-burn day decision that has been announced may be changed by the Air Resources Board at any time prior to 10:00 a.m. if the meteorological and air quality situation that actually unfolds so warrants it.

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\*In place of the standard 3,000 feet msl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### REFERENCE

### **§ 80260. San Joaquin Valley Air Basin.**

(a) The North Section of this basin includes San Joaquin, Stanislaus, and Merced Counties.

(b) A permissive-burn day will be declared in the North Section when the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit.

(2) The expected daytime temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.

(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

(c) The South Section of this basin includes Madera, Fresno, Kings, and Tulare Counties, and the San Joaquin Valley Air Basin portion of Kern County.

(d) A permissive-burn day will be declared in the South Section when the following criteria are met:

(1) Above 3,000 feet msl\*:

(A) Near 4:00 a.m., the mean 500 mb height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(B) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(2) Below 3,000 feet msl\*:

(A) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit.

(B) The expected daytime temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours. (C) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

(e) Special situations in the Basin are:

(1) If, when a no-burn day decision is declared, the state ambient air quality standard for ozone, carbon monoxide, suspended particulate matter (PM10) or visibility is expected to be exceeded during the valid period, a note to this effect shall be appended to the announcement.

(2) A permissive-burn or no-burn day decision that has been announced may be changed by the Air Resources Board at any time prior to 10:00 a.m. if the meteorological and air quality situation that actually unfolds so warrants it.

(3) A conditional permissive-burn day may be declared in the North Section of the Air Basin during the months of November through February for the burning of almond and walnut prunings (from not more than 300 acres of orchard in each county) following three or more consecutive no-burn days, provided that two of the three criteria set forth in section 80260(b) for permissive-burn days are met, and provided further that the state board determines that under expected meteorological conditions the burning of such prunings will not have an adverse effect on air quality.

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\*In place of the standard 3,000 feet msl level, the elevation may be specified in increments of 500 feet on a day-to-day basis as determined from vertical temperature soundings.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

#### REFERENCE

**§ 80270. Great Basin Valleys Air Basin.**

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 mb height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 2 of section 80320.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

REFERENCE

**§ 80280. Salton Sea Air Basin.**

(a) For the Salton Sea Air Basin and that portion of the San Diego Air Basin which lies east of a line beginning at the U.S.-Mexico border and running north along the range line common to R. 7 E and R. 6 E, San Bernardino Base and Meridian; to the southeast corner of T. 16 S, R. 6 E; then west along the township line common to T. 16 S and T. 17 S to the southwest corner of T. 16 S, R. 6 E; then north along the range line common to R. 6 E and R. 5 E to the southeast corner of T. 14 S, R. 5 E; then west along the township line common to T. 14 S and T. 15 S to the point of intersection with the east boundary of Cuyamaca Park; then north along the east boundary of Cuyamaca Park to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the south boundary of the San Felipe Land Grant; then east and north along the land grant boundary to the easternmost corner; then continuing west and north along the land grant boundary to the point of intersection with the range line common to R. 5 E and R. 4 E; then north along this range line to the point of intersection with the township line common to T. 10 S and T. 9 S; then west along this township line to the point of intersection with the range line common to R. 4 E and R. 3 E; then north along this range line to the San Diego-Riverside County boundary.

(b) A permissive-burn day will be declared when at least three of the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit.

(2) The expected temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.

(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

(4) The expected daytime wind direction in the mixing layer is not southeasterly.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

REFERENCE

**§ 80290. Mountain Counties Air Basin.**

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 1 of section 80320.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

REFERENCE

**§ 80300. Lake County Air Basin.**

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 10 degrees Fahrenheit, except that during July through November it is not warmer by more than 18 degrees Fahrenheit.

(2) The expected daytime temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.



(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.  
 NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

REFERENCE

**§ 80310. Lake Tahoe Air Basin.**

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Near 4:00 a.m., the mean 500 mb height over the Basin is less than the limiting mean height given in Table 3 of section 80320.

(2) The expected 4:00 p.m. mean 500 mb height over the Basin is less than the limiting mean height given in Table 3 of section 80320.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

REFERENCE

**§ 80311. Mojave Desert Air Basin.**

(a) A permissive-burn day will be declared when the following criteria are met:

(1) Near the time of day when the surface temperature is at a minimum, the temperature at 3,000 feet above the surface is not warmer than the surface temperature by more than 13 degrees Fahrenheit.

(2) The expected temperature at 3,000 feet above the surface is colder than the expected surface temperature by at least 11 degrees Fahrenheit for 4 hours.

(3) The expected daytime wind speed at 3,000 feet above the surface is at least 5 miles per hour.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

REFERENCE

**§ 80320. Tables Referred to in Articles 2 and 3.**

Limiting Mean 500-Millibar Heights\* by Month

<i>Month</i>	<i>Table 1*</i>	<i>Table 2*</i>	<i>Table 3*</i>
January	5710*	5750*	5630*
February	5710	5740	5620
March	5710	5740	5630
April	5720	5760	5660
May	5770	5800	5710
June	5820	5850	5780
July	5850	5880	5830
August	5870	5880	5840
September	5850	5870	5810
October	5820	5850	5760
November	5770	5810	5700
December	5730	5780	5630

\* All heights in meters.

[There is no difference from text in CCR. The table itself is just a style change to make it easier to read.]

## Agricultural Burn Meteorological Factors

(Sacramento Valley Air Basin)

*Table 4*

*A.M. STABILITY*

°F	M.F.
≥17	0.0
15 or 16	0.1
13 or 14	0.2

*Table 5*

*WIND SPEED*

MPH	M.F.
0 to 2	0.0
3	0.1
4	0.2

*Table 4*

*A.M. STABILITY*

11 or 12	0.3
9 or 10	0.4
7 or 8	0.5
5 or 6	0.6
3 or 4	0.7
1 or 2	0.8
0 or (-1)	0.9
≤(-2)	1.0

*Table 5*

*WIND SPEED*

5	0.3
6	0.4
7	0.5
8	0.6
9	0.7
10	0.8
11	0.9
≥12	1.0

The basinwide meteorological factor (B.M.F.) is equal to the arithmetic mean of the meteorological factors (M.F.) from Tables 4 and 5.

A.M. Stability: 3,000-foot temperature (a.m.) (°F) minus surface minimum temperature (°F).

Wind Speed: Surface to 3,000 feet average wind speed (mph).

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 41855, 41856, 41857 and 41859, Health and Safety Code.

### REFERENCE

#### **§ 80330. General Criteria for Announcement of Permissive Burn, Marginal Burn or No-Burn Day.**

Notwithstanding the criteria listed in the preceding for each air basin, the Air Resources Board may announce permissive-burn, marginal burn, or no-burn days based on expected meteorological conditions and on the estimated effect on air quality of the agricultural burning and prescribed burning.

NOTE: Authority cited: Sections 39600, 41856 and 41859, Health and Safety Code. Reference: Sections 41854, 41855, 41856, 41857, 41859 and 41863, Health and Safety Code.

### REFERENCE

## **Division 3. Air Resources Board**

### **Chapter 1. Air Resources Board**

#### **Subchapter 2.5. Compliance Schedule Regarding Visible Emissions from Specified Vessels**

#### **§ 85000. Compliance Schedule for United States Navy Vessels.**

NOTE: Authority cited: Sections 39600, 39601 and 41704.5, Health and Safety Code. Reference: Sections 41701, 41704(j), 41704(k) and 41704.5, Health and Safety Code.

### REFERENCE

### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 2.6. Air Pollution Control District Rules**

#### **§ 86000. Amendments to New and Modified Stationary Source Review Rules for San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings and Kern County Air Pollution Control Districts.**

NOTE: Authority cited: Sections 39002, 29600, 39601, 41502 and 40504, Health and Safety Code. Reference: Sections 40001, 41500, 40504 and 41505, Health and Safety Code; and *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.

#### **REFERENCE**